

DRAFT

August 12, 2014
RVES

7:00--**Call to Order**—**Chairman Harold Loder** called the Planning Board's regular monthly meeting and joint meeting with the Town Board and Zoning Re-Write Committee to order.

Roll Call & Pledge to Flag--Present: Chairman Harold Loder, Planning Board members—Bob Reed, Tighe Lory, Mike Piccolo and Bill Lape, Planning Board Secretary—Maggie A. Smith. Town Board Members—Supervisor, Richard T. Lape, Councilmen: Bill Lancaster, Todd Sperbeck, Eric Haslun and Paul Maurice. Clerk- Maggie A. Smith, Zoning Re-Write Committee Members: Gene DiMarco, Bill Lancaster, Bill Lape, Harold Loder, Shane Nickle, Mike Piccolo and Joan Sondergaard. **Others Present:** Horst Fierek, Al Lory, Dennis Handy, Elaine Seacord, Don Phelan, Jim Poole, Bob Nied, Delores Benedict, Lee Benedict, Zachary Thompson (Co. Planning), Brian Manchester, Greg Furlong and Betsy Lancaster.

7:00—**Approval of the Minutes**— **Mike Piccolo** made a motion to approve the July 8, 2014 minutes as presented, Bob Reed seconded; 5-0.

7:01—**Correspondence**—**Harold Loder** stated he received a letter from the Department of Transportation concerning a slope remediation project on NY Route 10 listing 3 options being considered to treat the upper portion of the slope: slope flattening, construct a lightweight buttress in the upper portion of slope and provide vegetative cover to help stabilize the upper portion of slope.

Joint Meeting of Planning Board, Town Board and Zoning Re-Write Committee Members—**Harold Loder** stated they are here tonight to review the draft zoning law. There will be no public input until the end of their discussion, if time allows. He asked Shane Nickle (Co. Planning) to speak first.

Shane Nickel stated he was from County Planning and Zachary Thompson from their office was with him tonight too. He wasn't able to be at the public hearing so he wasn't privy to all that was said. He passed around a 2-page document of what the process has been over a decade of time. The town and village formed a special committee in 2003 with representatives from both municipalities. They worked on the Comprehensive Plan (CP), with public input, for approximately 3 years. Both the town and village adopted the CP by early 2007. The village and town created separate zoning re-write committees. The village started in 2008 and made a recommendation to the Village Board in 2010. The town committee started in early 2011 and made a recommendation to the Town Board in June 2012. The village adopted the revised zoning in August 2010. The town sent their draft zoning on to attorney David Slottje for review in 2012 and that revised draft came back in May 2014. The town opened the public hearing on the draft July 17, 2014. County Planning has an editable copy and can make revisions as directed by the town board. Revised versions should be made available to the public as soon as possible. The final draft needs to be reviewed by the County Planning Commission before the Town Board takes a final action. He heard concerns from the public hearing and the zoning law is now in the hands of the Town Board to make any edits. He felt this joint meeting of the boards was the best approach. The two things he noted that were of concerns were the High-Density Agriculture Definition that could be deleted or the numbers could be raised or lower. The other thing was term limits for the Planning Board and Zoning Board of Appeals (ZBA) members. When he was asked to draft the language no more than 2 consecutive terms was added. **The clerk** stated they have members who have served more than two consecutive terms. **Shane N.** suggested since all the opinions were against it, they could cut it from the draft law. **Harold Loder** asked that people denote the section of the law they're referring to. Everyone here got a letter from the Schoharie County Agricultural & Farmland Protection Board expressing concern about the high density agricultural use in the draft law. They asked it be removed, as did Soil

and Conservation. **Shane N.** stated he's not an expert on Agriculture, but believes other regulations kick in with high density. **Harold L.** stated yes. **Tighe Lory** stated looking at the most recent draft law to the 2012 proposal, there have been many edits. Small retail went from 100 employees to 20 employees, which were made by Mr. & Mrs. Slottje. He read about him and his wife online and they are anti business and obviously not interested in this town. They've been all over the state and their laws have been struck down in courts, like in Sidney. He recommended, to the board, that they disregard all the Slottje's edits. **Dick Lape** stated they will discuss the law and the Planning Board can make recommendations. **Paul Maurice** asked if they could address the high-density agricultural portion? The planning board recommended it be deleted.

7:17—**Delete High-density Agricultural**—**Paul Maurice** made a motion to delete the last section of Agricultural Use and definitions on page 2 and #3 in definitions, Eric Haslun seconded; 5-0.

Mike Piccolo stated it takes a long time to get educated in planning and by the time they are, the term is up. **Don Phelan** asked if he could say something? The board was stating no when he said he'd been on the Planning Board for 10 years and he's still learning. **Bob Nied** stated since they opened the floor. **The board** stated they didn't. **Bob N.** stated what Tighe Lory stated about the Slottje's was wrong.

7:20—**Delete Term Limits for Planning Board & ZBA Members**—**Eric Haslun** made a motion to delete term limits listed in sections 1104 (ZBA) and section 1106 (Planning Board) and #5, Paul Maurice seconded; 5-0.

Mike Piccolo stated they need to go from the beginning of definitions. **Bob Reed** stated there were 64 changes, 51 new editions, 7 were removed and 6 were redefined from the draft sent to Mr. Slottje.

Section 102 Other Laws—**Eric Haslun** stated he would like to put in a grandfather clause and wished JR was here to word it. All agreed that the attorney should look at that section.

Section 103 Severability—**Shane N.** stated it was standard. **Bill Lape** stated it could stay or go.

Section 104 Terminology—**Joan Sondergaard** stated they had one sentence, Mr. Slottje expanded it.

Section 105 Definitions—**Shane** reviewed that they already changed Agricultural Use and that it's important to know how the definition is used within the law as they review the definitions.

Below-Regulatory Concern—**Mike P.** asked why have radioactive in there? **Shane N.** stated he imagines it is for hydrofracking. **Mike P.** stated he thinks it should be a lot shorter since they can ban hydrofracking under home rule, just say it's not a permitted use. **Shane N.** stated the draft law adopted as is will ban fracking. **Tighe Lory** stated the hydrofracking restricts other things. For example, Maranatha if some business comes in. **Paul Maurice** stated if a company came in with radioactive, such as medical imaging. **Shane N.** stated Maranatha is zoned commercial. **Tighe L.** stated less than 20 employees. **Shane N.** stated no that's not true. The strictly prohibited uses are listed in section 207 where a lot of definitions might refer to. Anything in section 207 is pretty much prohibited in most of the town like junk yards, billboards and natural gas. Mr. Slottje set it up so there are no loop holes. He's not defending hydrofracking or not. The Town Board sent the law to the attorney for his recommendations and his recommendations are what they're looking at. **Discussion** of where the term is used? No one found a reference in the law for below-regulatory concerns.

Commercial Zoning—**Tighe Lory** stated he's been looking at it and it lists single family dwelling, 2-family, commercial with site plan review, small retail\ small manufacture. **Shane N.** stated then he has to go to the next one, special uses. **Tighe L.** stated, but they have to go through a lot more to get a special use permit. **Shane N.** stated it's a special use permit process, it's still permitted but it would go before

the Planning Board for review. **Discussion** that they were off subject, back to below regulatory concern **Eric H.** stated he thinks the term comes from when they're drilling, the drilling mechanism can pick up radioactive from drilling. **Mike P.** stated they can also get radon when digging a foundation. **Shane N.** stated the definition needs to be used somewhere for it to kick in. **Bill Lape** searched the document (on computer) and there were no other mentions of below regulatory concern. **The Planning Board** recommended they take it out. **Paul Maurice** made a motion to take it out, Dick Lape seconded; **Eric Haslun** stated they have to put some faith in what the expert added. If it's for some part of the prohibited use, they need to ask Mr. Slottje what it pertains to. **Paul M. & Dick L.** withdrew the motion. **Bill Lancaster** stated he thinks Mr. Slottje is providing for future uses in the definitions. **Bill Lape** stated if it comes in the future they'll still have to go through the same process. **Shane N.** stated existing natural gas was taken out, this could be taken out. **Bill Lancaster** stated Mr. Slottje said they have to have a defensible law. The changes made were to be more specific. He's a zoning specialist, not just an environmentalist. Their attorney (JR) said he couldn't do it because he's not a specialist in zoning. **Paul M.** stated he's closing up the gray areas and loop holes. **Bill Lancaster** stated he's embellishing our old zoning law to make it more defensible.

Billboard—Mike Piccolo stated banning billboards in Richmondville is unfair to property owners along I-88, when they could get a little extra income. Also, if they want to be business friendly, this prohibits a new business from advertising. He thinks they should make an exception for I-88 properties. **Bill Lape** asked why prohibit them at all? **Mike P.** stated in the 70's Lady Bird Johnson was against them and Harriet Berard put it into the zoning law when it was created. **Eric H.** stated was it in the CP to prohibit them? **Shane N.** stated no. **Bill Lape** stated it's also under definitions in structure. The Planning Board recommended keeping billboards. **Dick L.** asked wouldn't it be in sign regulations? **Mike P.** stated they have to look at the sign law and whether they want lighted or not lighted signs, there's a lot to look at.

7:45—**Billboard's Prohibited Removed—Eric Haslun** made a motion to take billboards out of section 207, number 3, Bill Lancaster seconded; 5-0.

Boarding House—Bob Reed stated the definition was removed by Mr. Slottje. He feels it should be there and better defined. **Eric H.** stated he recommends they listen to the Planning Board. **Bill Lape** asked if they need a section for it? **Mike P.** stated he doesn't want to project his personal feelings on boarding houses. **Tighe L.** stated it needs a sight plan. **Mike P.** stated in Cobleskill they are big houses where social services are placing homeless people. **Joan S.** stated it originated as a place to house people coming to an area for jobs. **Paul M.** stated if the pipeline comes through they could have that again. **The clerk** reminded them they had an issue on Route 10 with someone running a boarding house. **Dick L.** asked Mike P. to get them a definition and regulations for a boarding house. **Mike P.** stated he would do that.

7:52—**Boarding House Added—Bill Lancaster** made a motion to put back the definition for a boarding house, Todd Sperbeck seconded; 5-0. **Mike P.** stated he'd email it to everyone.

Campsite—Mike Piccolo read the existing definition which included “for 14 consecutive days in one period”. A lot of campers stay all summer at a campsite. **Bill Lape** suggested they stay with their current law. **Mike P.** stated he agreed and thinks they need to tighten up on people who have summer guests. The definition would be fine for temporary campers. **Paul M.** stated hunters come up from the city, would it effect them? **Bill Lape** stated they'd be on their own land. **Mike P.** stated NYS codes has regulations and a definition. **Shane** stated section 501, has a whole section on campsites which are an approved campgrounds and they get a permit. This was for people who didn't have a campsite or permit. **The clerk** stated like the issue they had with a resident on Brooker Hollow who had people up every weekend, camping out and running ATV's 24/7. **Joan S.** stated section 501 states two consecutive weeks in any one period and no more than four weeks during any calendar year. **Shane N.** stated someone could go get a special use permit. There are people who pull in a camper and then put a deck on it that's what they're avoiding. **Paul M.** asked isn't that under the Board of Health? **Mike P.** stated they still need

teeth in their law. **Tighe L.** asked would it impact the trailer on Route 7? **Mike P.** stated no it's an office, they should stay with the current law. **Paul M.** stated most campgrounds are open until Columbus Day. **Tighe L.** suggested removing the time frames. **Discussion** that a true campground is regulated by a site plan review and the Board of Health. **Mike P.** stated some campgrounds have winter camping activities and they should eliminate the time limits.

8:03—**Campsite Definition Deleted**—**Bill Lancaster** made a motion to delete the campsite definition and replace it with the current zoning law definition and in section 501 remove #4(a & b) completely, Eric Haslun seconded; 5-0.

Club House—**Bill Lape** stated it only shows up in definition.

Commercial, Commercial Uses—**Harold Loder** stated he doesn't understand this one. **Mike P.** stated this deals with one thing, gas. **Shane N.** stated it precludes people from trying to give hydrofracking another name. **Mike P.** stated they can't call it a definition, it's a statement. **Shane N.** stated it could be moved to somewhere outside of the definitions. Mr. Slottje could clarify it. **Harold L.** stated they can revisit it. **Bill Lancaster** stated he would ask Mr. Slottje.

Construction, Fire-resistant—**Mike Piccolo** stated this item is already in the building code, why is it in their zoning? **Shane N.** stated it was in the zoning re-write committee's recommendation. **Eric H.** stated some of these definitions could make people think about what they're getting into. **Bill Lancaster** stated it is in the original law. **Mike P.** stated codes have changed since the original law was written and the codes officer reviews it with building applicants. It's a waste of space. **Bill Lancaster** stated they did go over all of this during the zoning re-write. **Mike P.** stated they did, but things get missed and that's why they need to do it right this time so they don't have to come back to it.

8:12—**Construction, Fire-resistant Deleted**—**Eric Haslun** made a motion to delete the construction, fire-resistant definition and references related to it as it's in NYS Building Codes, Paul Maurice seconded; 5-0.

Bob Reed stated the definition of court was removed as well as dealership, dwelling, row and town house all removed. **Mike P.** stated they need a definition of townhouses, row house is different. **Harold L.** stated cluster housing could be there too. **Tighe L.** stated townhouse and dwelling and row house are in the current law, should they keep that? **The clerk** asked what about cluster housing? **Harold L.** stated it should be looked at. They save land and money, have smaller sewer and water systems. **Mike P.** stated it's something that should be looked at by the attorney. **Shane N.** stated it's a big, big section if they want to add cluster housing. **Mike P.** stated Cobleskill has one and they could pull theirs and look at it. **Bill Lape** asked Mike what it was? **Mike P.** stated smaller lots, higher density and more green space is the simplest definition. **Harold L.** stated it saves a lot of money all the way around and is something they should address. **Dick L.** asked if they want to combine the dwelling, townhouse and row house already in current law? Planning Board stated yes.

8:16-- **Townhouse, Row House and Dwelling Added Back**—**Paul Maurice** made a motion to use the current law's definition of row, townhouse and dwelling, Todd Sperbeck seconded; 5-0.

Educational Property—**Tighe Lory** stated college land is zoned as educational, but the college has sold property at other times. If they sell property it would still be zoned educational. **Mike P.** stated it would have to be rezoned, he doesn't know why it's zoned strictly educational, he thinks educational should be permitted in a certain district. **Shane N.** stated he wants to caution everyone, because now they're going back in the process that he explained in the beginning and revisiting the Comprehensive Plan (CP) and what was decided through a different process. **Tighe L.** stated there's still issues with the map itself and he has concerns with that. **Shane N.** stated he's not saying what to do, but to understand there was a public process to get there and are they now going to change it based on 1, 2 or 3 people? **Tighe L.** stated that public process was a survey and then it went through a committee after that. It wasn't like what do they want their property zoned as? **Bill Lape** stated the Town Board approved it.

Mike P. stated he's sure he'll agree with him, if the college should sell off some more property. **Shane N.** stated who ever bought it can request a zoning change. **Mike P.** stated and they may get denied. **Shane N.** stated it depends on the issues. **Mike P.** stated and who is sitting on the board at the time. **Bill Lape** stated they can't change the law based on what they think it's going to be tomorrow. **Tighe L.** asked why does it even exist? **Shane N.** stated there was a reason it was put in, he doesn't recall the exact reason, but that it was recommended in the CP. **Tighe L.** stated it's like mobile home zoning, so if the owner wanted to do something different he couldn't because it's zoned mobile home. **Shane N.** stated it's the same if you live in a residential area and decide you want to have a hotel, it's not allowed if you're in a residential area. **Mike P.** stated there is a process to change the zoning and he doesn't see a problem with it. It would be a problem if the board says no. **Shane N.** stated that's what scares him the most. There is a process and the boards do change and that's why they do these types of things. **Tighe L.** stated they have pieces of properties that are ideal for certain businesses or are not useful for anything else. They have all these water ways that you can't do anything within 50' and they're just drainage ditches. **Mike P.** stated that's ENCON. **Bill Lape** stated lets get back on their straight line. **Tighe L.** stated one more thing. When he's looking at the CP it says mobile homes are to be discouraged and by denoting something as a mobile home park aren't they encouraging it? **Mike P.** stated they have to allow for mobile homes by state law. **Shane N.** stated that's why when the Comprehensive Plan (CP) was done they zoned them where they exist. **The clerk** stated they're keeping them where they are without letting them expand. **Tighe L.** stated it's discouraging people from buying the land for other use. **Bill Lape** stated there's a process to change it and in today's day and age he doesn't think it would discourage anyone if they wanted to buy the land. **Shane N.** stated and they could still have a family home or a duplex. **Tighe L.** stated it's prime commercial land there.

Enhancement—Harold Loder stated he's not sure what that is. **Bill Lape** stated it only talks about stream enhancement, Section 411. **Shane N.** stated if they are within the 50' buffer and doing enhancement they don't need a permit. The draft language comes from DEC.

Excavation—Joan S. stated this and Explicitly Prohibited Use(s) were added definitions. **Mike Piccolo** stated it's dealing only with natural gas, why have the definition? **Eric H.** stated it falls under the same questions for Mr. Slottje to clarify. **Shane N.** stated it could be in a different sections. **Dick L.** asked Bill Lancaster to include this definition with the others they want clarified. **Bill Lape** stated it's in other sections other than gas.

Family—Mike Piccolo read “not more than (5) individuals” and stated someone better go read the General Counsel's opinion. He stated ARC houses are considered single family homes and can have 15-20 people. He's read the Federal Court Cases on it and works in a college town. He's going to paraphrase it, but most federal cases come down to “a group of people living in a house sharing a common kitchen.” **Bill Lape** asked if they needed a definition? **Mike P.** stated yes. **Dick Lape** asked if Mike had a definition? **Mike P.** stated Cobleskill doesn't have one, but the attorney is working on one now. **Shane N.** stated the way he understands it is, when ARC comes in they have to call it a family and there's a special section in state law confirming it's a family. **Discussion** that state law will always overrule local law. This definition is what is in the current law. **Dick L.** asked Shane if he had a definition? **Shane N.** stated he doesn't, but he's sure he could find one. **Mike P.** stated he has something from the General Counsel, but he's not happy with it. He'll get a definition.

Fencing—Harold Loder stated it says fencing is 8' high. **The clerk** stated that's in the current law and the problem with the current law is it's too vague. It's been an issue for 10 years or better. **Mike P.** stated the way it reads they can't put a fence up less than 8' tall. **The clerk** stated there's nothing about how close to the property line or about putting the good side of the fence towards the neighbors. **Mike P.** stated Richmondville has nothing on that. **Shane N.** asked Bill Lape to look where fencing is used? **Bill Lape** stated in junk yards. **Shane N.** stated just because someone puts up a fence it doesn't jump to this

definition. **Dick L.** stated and maybe anything under 8' is exempt. **Shane N.** stated just because it's in the definitions doesn't mean all fences. **Mike P.** stated he knows as well as he does that not everyone reads the codes the same and some could say the definition of a fence is 8' tall. **Bill Lape** stated in this case they'll have to come to the Planning Board and they'll tell them. **Mike P.** stated it won't always be them. **Eric H.** asked about pool fencing state requirements? **Mike P.** stated under 4' doesn't need one, otherwise they need a 4' fence under NYS Building Code. **Tighe L.** stated they should clarify it to say where required. **Eric H.** stated could say Section 407. **Shane N.** stated the definitions start out with "for the purposes of this law" that's why they have the definitions. They're not supposed to be used outside of this law. When they see fencing they need to know where it's being used, in this case with junk yards. If it's in Building Codes then it's covered there. **Mike P.** stated the building code doesn't cover picket fences in front of your house. **The clerk** stated or the neighbors putting up a fence on the property line. **Shane N.** stated they don't have any regulations in this law covering that. **Mike P.** stated if they're going to use this fencing definition, they should refer it to the junk yard.

8:30—**Fencing Clarification—Paul Maurice** made a motion to put "as in junk yard" in parenthesis after fencing, **Eric Haslun** seconded; 5-0.

Garage-Private—Mike Piccolo read the definition "not more than one commercial vehicle..." He has 2 commercial vehicles. **Tighe L.** stated they could put owned by person residing on premises. **Mike P.** stated private garage is private, should be able to store anything he wants. **Shane N.** asked where it's being used? **Bill Lape** stated no where else.

8:32—**Delete Garage-Private-Todd Sperbeck** made a motion to take out the definition of garage private, **Bill Lancaster** seconded; 5-0.

Garage-Public—Mike Piccolo stated it says one commercial vehicle again. It's a business and how can they limit it to one commercial vehicle? **Bill Lape** read about 5 cars or more in Section 406. **Shane N.** asked was it only used in Section 406? **Mike P.** suggested they get rid of the number of vehicles.

8:37—**Amend Garage-Public-Eric Haslun** made a motion to remove the number of vehicles from the Garage-Public definition, **Paul Maurice** seconded; 5-0.

Home Business—Mike Piccolo asked if it should be defined as to up to 25% of the home? **Todd Sperbeck** stated it should have a square footage amount for income tax and assessment purposes. **Shane N.** stated when they start putting numbers on it, it becomes restrictive. **Tighe L.** referred to Section 413. **Shane N.** stated it defines number of employees who are not residing there. **Tighe L.** stated there are repair shops and the maple farm had more than one employee not residing there. **Todd S.** stated they want to word it so they don't deter a home business. Several types of home businesses were discussed.

8:43—**Amend Home Business-Todd Sperbeck** made a motion to change the definition of Home Business to having 1 non residing employee to 5 non residing employees, **Eric Haslun** seconded; 5-0.

Injection Well—Mike Piccolo stated his brother-in-law had a well that was slow and they fracked the well. They need an exception for water wells. **Todd S.** stated a driller told him they can only go down so far with a well. **Mike P.** stated not that he knows of, he's never seen a limit. He described how the home well is fracked by sending a balloon down and then another one with air and keep pumping it to open the veins. They need to have an exception. **Tighe L.** stated GEO Thermal wells also meet at a V. **Eric H.** stated they're talking water versus gas. **Bill Lape** stated it says fluid. **Mike P.** stated hydrofracking a well they'll have people who will say no. The definition is not used anywhere. They could add one sentence "exception for hydrofracking water wells". **Eric H.** suggested **Bill Lancaster** ask Mr. Slottje for clarification of that one too. It will need to be revisited.

Junk and/ or Salvage Yard—Mike Piccolo stated they've tacked on fracking and he doesn't know why it's there. **Harold L.** stated they say can't do it in NYS. **Shane N.** stated it's not hurting anything, it is clarifying that in no way could they define some part of hydrofracking as a junk or salvage yard. **Bill**

Lancaster stated it's eliminating a chance that they could; it's a safeguard and it's not doing any harm. **Shane N.** stated the attorney (Mr. Slottje) thought it was a loophole he saw and closed it. **Bill Lancaster** stated it's better to be proactive and everything he added was preventative. He reminded them the Town Board voted 5-0, on September 8, 2011 to ban hydrofracking in Richmondville.

Livestock—Mike Piccolo asked where it was used? **The clerk** stated there are times the codes officer comes up against people in neighborhoods raising chickens and pigs where there were none before. **Shane N.** stated the livestock definition is used in the Agricultural. **Mike P.** read the definition. **Shane N.** stated Agricultural use is permitted in R1. **Mike P.** stated they should change the definition.

9:00—**Amend Livestock Definition—Todd Sperbeck** made a motion to change the livestock definition to read “animals including, but not limited to domestic animals such as sheep, goats, cattle, swine and horses which are kept on a farm”, **Bill Lancaster** seconded; 5-0.

9:02—**Next Joint Meeting Set—Harold Loder** asked if they want to set another date to pick up where they're leaving off. **Discussion** and it was agreed to meet Thursday, August 21st at 6pm at RVES.**

Public Hearing—Shane N. asked about the open public hearing? He suggested there are enough changes they could close the public hearing and have a new public hearing when they're ready. **Dick L.** stated it's easier to leave it open and then they won't have to re-advertise and the clerk won't have to resend out notices to all the municipalities and Schoharie and Otsego counties. **Paul M.** stated he thinks they should close it. **Bob Reed** agreed. The clerk will work with the county on a summary of changes.

Public Comment—Dick & Bill Lape stated they should allow public comment before they leave. **Dee Benedict** stated NYS Department of State regulates billboards. The livestock definition including “on a farm” just eliminated a person having a backyard horse. The agricultural definition of a farm is earning \$10,000.00 or more. **Tighe L.** asked if she had a suggestion? **Lee Benedict** stated other towns use square footage. **Shane N.** stated they could always go back to the original definition. **Dee B.** stated they can have site plan review with the building that houses the animals. **Mike P.** talked about what's gone on in the Village of Cobleskill. **Dick L.** stated they'll revisit it. **Bob Nied** stated for the record he wants to correct the statement that Mr. Slottje is a radical lawyer who's had many cases struck down. He thinks radical is pejorative and is sorry to hear somebody say that. He's a preeminent, non profit lawyer in the State of New York and his cases have been the most defensible of any lawyer on the subject and have been upheld in three different courts. The one case referred to in the Town of Sidney, that law was struck down because the town changed it exactly like they're talking about doing here. It wasn't Slottje's language that was struck down. **Lee Benedict** stated under the injection well definition, a GEO thermal well wouldn't be legal and they didn't address it. **Bob N.** stated he submitted formal comments to the town board and wants them attached to the minutes as part of the public hearing. **The clerk** stated this isn't the public hearing. **Bob N.** stated the public hearing is still open and he submitted public comment. **The clerk** passed out hard copies of his 3 page comments. The law states that they identify the speaker and include whether they were for or against. She gives a summary of what they said to the board, but he can't demand/request it be entered into the minutes. **Bob N.** stated so she'll summarize his comments. **The clerk** stated yes..

9:17—**Adjourn—Mike Piccolo** made a motion to adjourn, Tighe Lory seconded.

Recorded By:

Maggie A. Smith, Planning Board Secretary

** The next day the Supervisor changed the meeting to Wednesday, August 20th, at 6pm at RVES due to

a scheduling conflict for him.